

The Honorable Samuel J. Steiner  
Chapter 7  
Hearing Date: March 25, 2010  
Hearing Time: 9:30 a.m.  
Hearing Location: Seattle  
Response Date: March 18, 2010

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:

POLAR STAR CORPORATION,  
  
Debtor.

Bankruptcy No. 10-11125-SJS

**ORDER GRANTING MOTION FOR  
AWARD OF FEES AND COSTS  
INCURRED IN CONNECTION WITH  
OPPOSING "BAD FAITH"  
INVOLUNTARY CHAPTER 7 FILING**

THIS MATTER, came before the Court on Nissan Motor Acceptance Corporation's ("NMAC's") Motion for Award of Fees and Costs Incurred in Connection With Opposing "Bad Faith" Involuntary Chapter 7 Filing (the "Motion"). The Court considered: (i) the pleadings filed in support thereof, including the Second Declaration of Charles C. Robinson; (ii) the Declaration of Barry C. Johnson filed in response thereto; and, (iii) the other pleadings, records and files in the Court file. And, the Court conducted a hearing on the Motion. The Court finds that: (a) notice and an opportunity for a hearing on the Motion were fair and adequate and in compliance with the Bankruptcy Code and Rules; (b) NMAC has demonstrated grounds for the relief provided for herein; and, (c) that the involuntary Chapter 7 filed by Barry Johnson was filed in bad faith and the fees and costs incurred by NMAC's counsel were necessary and reasonable in response to the bad faith involuntary petition; and, other good cause having been shown,

[PROPOSED] ORDER GRANTING MOTION FOR AWARD OF FEES  
AND COSTS INCURRED IN CONNECTION WITH OPPOSING "BAD  
FAITH" INVOLUNTARY CHAPTER 7 FILING - 1

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1 it is hereby ORDERED that:

2 1. The Motion is GRANTED in its entirety;

3 2. The Petitioner of this dismissed action, Barry Johnson, shall reimburse NMAC  
4 for fees and costs incurred by NMAC in response to the bad faith involuntary Chapter 7 filing  
5 by Barry Johnson;

6 3. Judgment is entered in Favor of NMAC and against Barry Johnson for attorneys  
7 fees in the amount of \$22,676.18 and costs of \$340.00, for a total of \$23,016.18.

8  
9 DATED this \_\_\_\_\_ day of March, 2010.

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12   
13 United States Bankruptcy Judge  
(Dated as of Entered on Docket date above)

14 Presented By:

15 GARVEY SCHUBERT BARER

16  
17 By: /s/Charles C. Robinson  
18 Charles C. Robinson, WSBA #15394  
19 Attorneys for Nissan Motor Acceptance Corporation

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